

**HARRIS, YUG & OHLINGER**

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA – LAS VEGAS**

DAVID CHERRY and ALEXANDRIA )  
CHERRY, individually and as next friends and )  
parents of JACOB CHERRY, A Minor )  
Plaintiffs, )  
vs. )  
CLARK COUNTY SCHOOL DISTRICT, )  
SUSAN M. SMITH, individually and in her )  
official capacity as capacity as Principal of )  
Twitchell Elementary School, and SANDRA A. )  
PIILO, individually and in her official capacity )  
as Special Education Teacher, DOES I-X, )  
Defendant(s) )

CASE NO.: 2:11-CV-01783  
ORDER DENYING DEFENDANT’S  
MOTION TO DISMISS AND GRANTING  
PLAINTIFFS MOTION TO AMEND

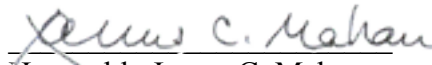
Defendants’ Motion to Dismiss having come before this Court on the 23<sup>rd</sup> day of February, 2012,  
with Plaintiffs DAVID, ALEXANDRIA, and JACOB CHERRY appearing through Counsel  
Roberta Ohlinger-Johnson of the Law Firm HARRIS YUG AND OHLINGER, and with  
Defendants CLARK COUNTY SCHOOL DISTRICT, SUSAN SMITH and SANDRA PIILO  
appearing through Counsel Mark Ferrario and Kara Hendricks of the Law Firm GREENBERG

Order

1 TRAURIG LLP. The Court having reviewed and considered all pleadings and arguments of  
2 Counsel therein, the Court orders as follows:

3 The Plaintiffs having sought claims for relief of money damages only and having  
4 exhausted the informal resolution procedures of the Individuals with Disabilities Education Act,  
5 20 USC § 1400 *et. seq.*, the Defendants' Motion to Dismiss is hereby DENIED, and Plaintiffs'  
6 Motion to Amend is GRANTED.  
7

8 March 5  
9 IT IS SO ORDERED THIS \_\_\_\_\_, 2012

10   
11 Honorable James C. Mahan

12 Respectfully Submitted this 24<sup>th</sup> day of February, 2012

13 By: /s/ Roberta Ohlinger-Johnson  
14 Roberta Ohlinger-Johnson  
15 Nevada Bar Number 10946  
16 HARRIS, YUG & OHLINGER  
17 ATTORNEYS FOR PLAINTIFFS

18 Approved as to Form and Content this 27th day of February, 2012

19 By: /s/ Kara Hendricks  
20 Mark Ferrario  
21 Nevada Bar Number 1625  
22 Kara B. Hendricks  
23 Nevada Bar Number 7743  
24 GREENBERG TRAURIG LLP  
25 ATTORNEYS FOR DEFENDANTS

26 ATTESTATION OF FILING

27 Pursuant to the Electronic Filing Procedures dated 24 August 2006 (Revised) of the United  
28 States District Court for the District of Nevada, I hereby attest that I have obtained concurrence  
in the filing of this Order from all of the parties listed in the signature blocks above.

By: /s/ R. Ohlinger-Johnson  
Roberta Ohlinger-Johnson

Order